

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

MONICA DANIEL HUTCHISON,)
)
Plaintiff,)
)
)
vs.) Case No. 09-3018-CV-S-RED
)
TEXAS COUNTY, MISSOURI; MICHAEL)
R. ANDERSON, TEXAS COUNTY)
PROSECUTING ATTORNEY; and)
MICHAEL R. ANDERSON,)
Individually,)
)
) August 25, 2009
Defendants.) Houston, Missouri

VIDEOTAPED DEPOSITION OF MICHAEL ROY ANDERSON,
a Defendant, produced, sworn and examined on the 25th day of
August, 2009, between the hours of 8 a.m. and 5 p.m. of that
day, at Texas County Courthouse, 519 North Grand, City of
Houston, County of Texas, before

JOANN RENEE RICHARDSON, CCR
Certified Court Reporter
20051 State Route B
St. James, Missouri 65559

in the above-entitled cause, pursuant to Notice to Take
Video Deposition, on the part of the Plaintiff.

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1	carry a weapon?	1	Q. Should you have been driving that night?
2	A. No, sir.	2	A. No.
3	Q. Do you use any controlled substances?	3	Q. Let me ask, when -- again, we'll get back
4	A. No, sir.	4	to this quicker, but how did you get home that night
5	Q. Do you use alcohol?	5	from Monica's house?
6	A. Occasionally.	6	A. Apparently, I drove.
7	Q. Obviously, there's -- we're going to talk	7	Q. Okay.
8	about the night of December 18th and some other	8	A. But I don't remember.
9	circumstances, so I want to know, have you had any	9	Q. Now, when I asked you earlier if you had
10	problems with alcohol abuse or addiction to alcohol	10	ever been so intoxicated where you couldn't drive,
11	in the last five years?	11	you volunteered that you didn't ever drive when you
12	A. No, sir, never.	12	were intoxicated. You volunteered that; right?
13	Q. Have you ever drank alcohol to the point	13	A. Yes, sir.
14	where you were impaired in the last 10 years?	14	Q. Was that a true statement?
15	MR. HARRIS: Well, I'm going to	15	A. Yes, sir.
16	object. I think impaired is vague and ambiguous.	16	Q. Let's talk about the night of the 18th.
17	Can you define that?	17	Were you so impaired that you shouldn't have been
18	MR. STEELMAN: Probably not. Go	18	driving?
19	ahead.	19	MR. HARRIS: Same objection.
20	BY MR. STEELMAN:	20	BY MR. STEELMAN:
21	A. If you could define impaired. I have been	21	A. Yes, sir.
22	intoxicated, what I would consider my opinion	22	Q. Did you drive?
23	intoxicated.	23	A. Yes, sir.
24	Q. And what do you mean by intoxicated?	24	Q. Had you had alcohol that night?
25	A. Where I was feeling the effects of the	25	A. Yes.
	Page 10		Page 12
1	alcohol.	1	Q. How much?
2	Q. Were you at a point that you should not	2	A. I had one beer and one mixed drink that I
3	have been driving?	3	recall.
4	A. And I haven't, yes.	4	Q. And where did you have the beer at?
5	Q. Okay.	5	A. At a place called the Outback in Licking,
6	A. I've had enough that I shouldn't drive, and	6	Missouri.
7	I didn't.	7	Q. And who was there with you?
8	Q. The night of December 18th, 2005, we're	8	A. No one.
9	going to talk more about that. That was the night	9	Q. Who supplied you the beer?
10	that you left some phone messages on Monica's phone;	10	A. I bought it at the bar. Well, let me
11	is that right?	11	rephrase that. Someone gave it to me. Bought it for
12	A. Yes.	12	me and handed it to me.
13	Q. And you also came to her door; is that	13	Q. And do you know who that was?
14	right?	14	A. No, sir.
15	A. I don't remember that. But I remember	15	Q. Did you have a mixed drink that night, too?
16	being at her house and talking on the cell phone.	16	A. Yes, sir.
17	Q. Okay. Where were you talking on the cell	17	Q. Okay. Who gave you that?
18	phone from?	18	A. I bought that and got it from the
19	A. My car.	19	bartender.
20	Q. And where was your car?	20	Q. Do you recall whether you ever told anybody
21	A. In her driveway.	21	you drank a fifth of Chivas that night?
22	Q. Were you intoxicated that night?	22	A. No, sir, I don't recall saying that.
23	A. I was under the influence of something.	23	Q. Are you under any medication today as we
24	Q. Were you driving that night?	24	speak?
25	A. Yes.	25	A. No, sir.

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1	A. No.	1	Q. Okay. So that I understand, one of these
2	Q. Or discretion to do that; is that right?	2	areas in which she was disrespectful was that you
3	A. No.	3	were told by Christina Wheeler that Monica told Jeff
4	Q. Okay, go ahead.	4	Kinder and made bad statements about the way you had
5	A. Those are just some of the things that come	5	handled a particular case?
6	to mind. But I knew that there were problems going	6	A. Case or cases.
7	on and I told her that she was going to have to	7	Q. Case or cases; right?
8	change her ways, fix the problems, or that she needed	8	A. I was told she had done this on more than
9	to find another job. I think what I said was, "You	9	one occasion.
10	need to find another place to work."	10	Q. Okay. What case or cases are we talking
11	Q. Did you talk about her being disrespectful	11	about?
12	at the meeting in the first week of December, 2005?	12	A. I don't recall. I don't know what case it
13	A. I think we talked about the fact that she	13	was.
14	had made some comments to police officers about cases	14	Q. You don't know the names of any of the case
15	I was handling, where she would call them and make	15	or cases?
16	comments like, "I can't believe my stupid boss let	16	A. Again, sometimes when we go to court we
17	that guy go on probation. I know how hard you worked	17	have 200 cases on the docket. I don't think that
18	on that case. He just doesn't know. He's dumb.	18	Christie ever told me it was a particular case. She
19	He's stupid." Those type of things. I considered	19	just said she overheard Monica talking on the phone.
20	that disrespectful.	20	Q. Was it one of Jeff Kinder's cases?
21	Q. So tell me, when was this?	21	A. I would assume, if she's telling him that
22	A. When were these --	22	she thinks I mishandled it.
23	Q. When did this occur? We're going to go one	23	Q. Okay. Now, the next thing you said, "She
24	by one, so when did this occur?	24	was undermining the integrity of the office by having
25	MR. FRANKLIN: Objection; vague. I'm	25	affairs with married officers"; correct?
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1	not trying to interrupt, but which are you referring	1	A. Yes.
2	to?	2	Q. Okay. And who were the officers?
3	MR. STEELMAN: When she said, "Can't	3	A. The information I had, the first two names
4	believe my stupid boss let so and so go on	4	I was told was Chief Danny McNew, with the Licking
5	probation."	5	Police Department.
6	BY MR. STEELMAN:	6	Q. And who told you Chief Danny McNew?
7	A. When did it occur, or when did I find out	7	A. Christie.
8	about it?	8	Q. Okay. Wheeler?
9	Q. When did it occur? I'm going to ask the	9	A. Yes.
10	when did you find out.	10	Q. Okay. And who else?
11	A. I don't know exactly when it occurred. I	11	A. Jeff Kinder.
12	know it was recent.	12	Q. Okay. Have you ever asked Danny McNew or
13	Q. Recent, appearing just recent within the	13	Jeff Kinder if that was accurate?
14	first -- next month or two before December of 2005?	14	A. No. I had a meeting with Danny McNew where
15	A. Probably within that time period. I think	15	I tried to ask him and he stormed out of my office.
16	I was under the impression that it might have been	16	Q. What about Jeff Kinder?
17	within weeks.	17	A. No. I had a meeting where I tried to
18	Q. Okay. And who did she say it to?	18	indicate to him that I knew what was going on, hoping
19	A. I was told by Christina Wheeler, Mosley	19	that he would put an end to it, and I hoped that that
20	now, who also worked in my office, that she had	20	was enough.
21	overheard this.	21	Q. And so if I'm accurate -- because I want to
22	Q. And who was Monica saying it to?	22	use the words in your petition. Did you have
23	A. Highway patrol officers. I believe one of	23	information that Chief Danny McNew and Jeff Kinder
24	the ones that Christie told me that she had called	24	were part of the sex ring that you alleged?
25	would have been, I believe, Jeff Kinder.	25	A. No, that's not what I was alluding to.

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1	Q. Okay. Well, at this time, did -- because	1	office and me asking her if she had known about these
2	you filed a petition alleging a sex ring, which we're	2	things.
3	going to get to in some detail. I'm just trying to	3	Q. Did you say "these things," or did you say
4	figure out, is this undermining the integrity of the	4	specifically?
5	office in December of 2005, was that the sex ring?	5	A. Well, I didn't go into detail. I said, did
6	A. No, we're talking about two different	6	you know that she was doing these things with these
7	things here. I found out first that she was having	7	people? And I named some of the people. I said,
8	these affairs with these married officers. I didn't	8	"Who are these people?"
9	consider that necessarily a sex ring.	9	Q. And I'm not trying to be difficult. What
10	Q. Okay.	10	I'm trying to ask, did you -- what words, if you can,
11	A. When I found out later that she was having	11	did you use? Did you say, did you know she's doing
12	sex with multiple partners, including married	12	these things with certain people and name them? Or
13	couples, and that they were meeting her in my office	13	did you mention sex acts or sex? I mean, how
14	and that I knew these people and had seen them around	14	specific were you?
15	my office and found out later that the main reason	15	A. I think I asked her if she knew that Monica
16	they were in my office was to set up these meetings	16	was meeting these people in my office.
17	with Monica and have these -- whatever you want to	17	Q. Okay.
18	call them, I considered that a group sex ring, or	18	A. And she --
19	whatever they were doing.	19	Q. Wait, let me interrupt. And who are these
20	Q. Okay. And who told -- who told you about	20	people?
21	that?	21	A. I have written their names down. I don't
22	A. Again, most of it came through Christie.	22	know most of them, except in passing. So I remember
23	Stephanie Creek, who also worked in my office. A	23	there was a Misty and a Ron Hale, a married couple
24	couple other people confirmed it.	24	that Monica apparently was involved with sexually. A
25	Q. Who confirmed it?	25	couple more of her friends and their husband's or
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1	A. Terry Haden, a friend of Monica's.	1	boyfriend's.
2	Q. And when did she confirm it to you?	2	Q. And what are their names?
3	A. When I asked her if she knew about this,	3	A. I'm trying to remember. I have their names
4	what was going on, she said something to the effect,	4	written down, but I didn't know these people. I just
5	she didn't want to get involved, but she knew some of	5	knew --
6	the things that Monica was doing in the office and	6	Q. Here's all I'm asking. Did you say to
7	she didn't approve of it.	7	Terry Haden that Monica was meeting people in your
8	Q. Was she specific?	8	office for purposes of sex and named those people who
9	A. No, not to me.	9	were having sex with Monica to Terry Haden? That's
10	Q. Well, who was she specific to?	10	all I'm asking.
11	A. Again, most of my information came through	11	A. I don't recall if I named the people. I
12	Christie and Stephanie Creek.	12	asked her if she knew what was going on. And she
13	Q. So when you say Terry Haden confirmed it,	13	indicated to me that she did.
14	you mean she was specific with Christie or Stephanie,	14	Q. Did you say who was involved? Here is all
15	and then you went and talked to her about it and she	15	I'm asking. Do you know what's -- if you ask
16	said, "I don't like what Monica is doing in the	16	somebody, "Do you know what's going on?" and they
17	office?"	17	say, "Yes," how do you know you're talking about the
18	A. Actually, she came to talk to me.	18	same thing?
19	Q. I'm sorry?	19	A. I don't know.
20	A. She came to talk to me.	20	Q. Let me ask this. Did you specifically say
21	Q. And then what specifically did she say to	21	to anyone, other than this lawsuit that you filed,
22	you? And when was this?	22	that Millie Williams and Monica were involved in a
23	A. This would have been -- well, I don't know,	23	sex ring and named the people who were involved in
24	it's hard to say. I don't know. I don't know when	24	that sex ring other than them?
25	it would have been. I remember her coming to my	25	A. Did I say that to a person?

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1	Q. Yes, outside of a court pleading.	1	Who did you talk to about this before filing the
2	A. No.	2	pleadings?
3	Q. Okay. So outside of a court pleading, you	3	A. Primarily the girls that worked in my
4	have -- well, let me ask this. Have you said to	4	office, who brought it to my attention.
5	anyone outside of a court pleading that Millie and	5	Q. Okay.
6	Monica were involved in a sex ring?	6	A. They came to me and told me.
7	A. Yes --	7	Q. Did you ever talk to any of these names
8	Q. And who?	8	that allegedly participated in this?
9	A. -- since filing the suit.	9	A. No.
10	Q. Well, before filing the suit?	10	Q. So that I understand, other than talking to
11	A. When I filed the suit, when I said they	11	the girls in your office and saying to Terry Haden,
12	were involved in a sex ring, that was the only	12	"Do you know what's going on?" and her saying "yes,"
13	definition of what I learned was going on that I	13	you did nothing else to determine whether or not
14	could come up with. How else do you describe	14	there was a sex ring operated out of the prosecutor's
15	something like that?	15	office and the Associate Circuit Court's Office; is
16	Q. Okay. What I'm asking is, outside --	16	that right?
17	forget the word sex ring. To what other person did	17	A. Investigation wise? Is that what you mean?
18	you describe what you have just described as being a	18	Q. Whatever you mean.
19	sex ring, outside of the filing of that pleadings?	19	A. Did I go out and interview people, no.
20	A. Mr. Steelman, I don't talk about this a lot	20	Q. Okay. And do I understand that other than
21	to people. I filed my lawsuit. I have talked to my	21	the girls in your office and this statement to Terry
22	attorneys about it. I have talked to the people in	22	Haden, you didn't say to anybody else, including
23	my office who brought this to my attention in trying	23	Judge Ellsworth, that Millie and Monica were
24	to determine what was actually going on, but this is	24	operating a sex ring out of the prosecutor's office
25	not something I go around talking about.	25	and the Associate Circuit Judge's Office; is that
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1	Q. Other than the people who were employees of	1	right?
2	your office, to who else did you talk to to, in your	2	A. No, sir, I don't think I told him until
3	own words, see what was really going on?	3	after I filed the suit.
4	A. I know I talked to Ms. Haden.	4	Q. Okay. Well, where did Millie come in? I
5	Q. But with Ms. Haden, you never mentioned	5	think your office was telling you about Monica having
6	specifics. Is that right or wrong?	6	meetings in your office. Where did Millie's part of
7	A. That's right, I didn't go into detail with	7	this conspiracy come in?
8	any of these people. I'm not going to discuss, you	8	A. I was told that Monica and Millie had been
9	know, what was going on, you know, what are they	9	spending quite a bit of time, mostly Millie spending
10	doing or their sex acts. I was told that they were	10	the night at Monica's office.
11	having group sex and that was all I needed -- all I	11	Q. Monica's office or house?
12	wanted to know.	12	A. House, I'm sorry. And she spent a lot of
13	Q. Did you say to Terry, outside of the --	13	time in my office, which wasn't that unusual, but
14	that Monica and Millie were having group sex? Did	14	there was really no reason for her to be there.
15	you say that to her?	15	Every year Judge Ellsworth takes several of his
16	A. No, I didn't say that. I asked her if she	16	employees and their spouses to Mexico whenever he was
17	knew what had been going on in my office. She	17	a judge and he would pay their way. I knew that the
18	indicated that she did.	18	plan that year, that Millie was going to go and she
19	Q. But other than those words, "Do you know	19	was taking Monica. I saw that as a problem for
20	what's going on?" and the answer "yes," you didn't	20	everybody.
21	put any other specifics to determine what it was she	21	Q. Why?
22	was talking about or what it was you were talking	22	A. Because I was under the impression and I
23	about?	23	was told by these people that Monica and Millic were
24	A. No, sir.	24	a couple, if you will.
25	Q. Okay, that's all I'm trying to find out.	25	Q. And who is these people who told you that?

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1	A. Mostly Christie and Stephanie, that they	1	is. She says things like that." But it had gotten
2	had been seen kissing on the mouth in public, that	2	to the point to where it was embarrassing.
3	they -- like I said, they spent a lot of time at	3	Q. And did you talk -- did you talk to her
4	Monica's house together. I knew that they were	4	about that in the meeting before she left?
5	planning to make a trip to Mexico, and I thought	5	A. I told her she was being disrespectful. I
6	probably Judge Ellsworth was getting himself into	6	thought it was all part of the general deterioration
7	something there that he didn't know anything about.	7	of her work and attitude and everything else.
8	I felt that they were involved in it. I knew that	8	Q. Now, at some time did you send Jeff Kinder
9	Monica was and I felt that Millie was involved, as	9	to her house or to her to try to get her to come back
10	well, because she was always there part of it.	10	to work for you?
11	Q. So have you told me all the facts that you	11	A. Well, I didn't send him. I asked him after
12	relied upon in determining that Millie and Monica had	12	she had left the first time if he had seen or heard
13	conspired to operate a sex ring out of the	13	from her, because, as you remember, she was supposed
14	prosecuting attorney's office and the Associate	14	to go home that day and think about it and she never
15	Circuit Court?	15	came back. She cleaned out her desk and left that
16	A. All that I can remember right now.	16	afternoon.
17	Q. When on this time line, Exhibit 1, did you	17	She left some 150 or 200 files on her desk
18	first find out that Monica had filed a complaint with	18	unattended that nobody even knew why they were out or
19	the EEOC?	19	what they were. I had given her a month and a half
20	A. I believe I got my notice in March.	20	notice. I had hoped she would give me at least a
21	Q. Of...?	21	week or two, but she didn't. She left and never came
22	A. 2006.	22	back.
23	Q. Would you write that in, March, 2006?	23	I asked Jeff Kinder if he had seen her or
24	That's when you got first notice of that?	24	heard from her. He said that he had, that she was
25	A. I believe that's right, yes.	25	doing okay. I said, "Well, do you think she'd be
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1	Q. Okay.	1	willing to come back and start over? Do you think
2	A. (Witness complying.) So it would have been	2	she'd like to have her job back if we could fix this
3	after Monica leaves for final time and before Mike	3	thing, if she would come back and abide by the
4	Anderson files suit, so do you want me to put a line	4	rules?"
5	there?	5	He said, "I'll go talk to her." So I
6	Q. Would you write that in red ink, please,	6	didn't send him to talk to her. I was asking him
7	Mr. Anderson?	7	about her, and he said, "Yeah, I'll go talk to her
8	A. Notice of EEOC complaint?	8	and see if she's interested in that."
9	Q. That's fine.	9	Q. Let me ask this, so I understand
10	A. (Witness complying.) March '06.	10	specifically. Did you tell Kinder to talk to her and
11	Q. Now, while you've got Exhibit 1 -- and I	11	ask her to come back and talk to you?
12	may have misunderstood this, so correct me if I'm	12	A. He agreed to go ask her if she wanted to
13	right or wrong. I thought in one of these statements	13	come back and talk about it.
14	to the EEOC you talked about her insulting you to	14	Q. Did you know that's what he was going to
15	your face. Does that sound familiar?	15	do?
16	A. Yes.	16	A. Yes.
17	Q. What was the insult to your face that you	17	Q. Okay. So that was agreeable with you?
18	were referring to?	18	A. Yes.
19	A. Well, there was more than one occasion.	19	Q. You know, have you reviewed the notes from
20	But I can remember one in particular whenever her	20	your interview with Emde that was on the telephone?
21	mother was in the office in the afternoon, and for	21	A. I don't think I have.
22	some reason she called me an idiot.	22	MR. HARRIS: I'm sorry, did you say
23	And her mother said, "Monica, you can't	23	his notes?
24	talk to your boss like that." And I just laughed it	24	MR. STEELMAN: Emde's notes.
25	off. I said, "You know, that's just the way Monica	25	MR. HARRIS: Oh, okay. I thought you

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1 A. I spoke to her. I asked for advice. She 2 told me, basically, there wasn't anything much that 3 she could do. I had collected some cigarette butts 4 out of my ashtray in my car, thinking that if I had 5 been drugged, that there might be some evidence on 6 the --	1 Licking. He is allegedly the officer who was called 2 the night that I made the telephone call at Monica's 3 house. 4 Q. Did you see him there? Did you talk to 5 him? 6 A. No, sir. If I did, I don't remember. 7 Q. You drove off? 8 A. I left. I went home. I don't know how I 9 got there, but I went home. 10 Q. Could you have been picked up by somebody? 11 A. I don't remember, Mr. Steelman. It's 12 possible. 13 Q. Well, let me ask you, have you ever talked 14 with Sergeant Kinder? Has he ever told you whether 15 he picked you up that night? 16 A. No, he's never mentioned it. 17 Q. Dean Belsh? 18 A. Former Texas County Sheriff. I can't 19 recall offhand why we felt that he would be a 20 witness, but I know we thought that he had some 21 information that might be relevant. I just can't 22 recall right now what it was. 23 Q. Doug Long? 24 A. Judge Long is something of a character 25 witness. I have known Judge Long for a lot of years.
1 determined to be a SIDS death. 2 Q. And when was this? 3 A. This would have been in -- the death, I 4 think, was spring of 2005. We didn't get the 5 toxicology reports back for several months. When the 6 toxicology reports came back, they indicated that the 7 child had died of lethal levels of Oxycontin. 8 Q. What was the name of this case? 9 A. The case is still open. The mother is 10 charged with manslaughter. The child's name -- 11 Q. What's the mother's name? 12 MR. FRANKLIN: I was just going to 13 say, to the extent that you're allowed to -- 14 MR. STEELMAN: It's an open file. 15 It's a charged case. 16 BY MR. STEELMAN: 17 A. The case is still open. I can't discuss 18 much more than what I've already said, but I believe 19 her last name is Sullins. It's either Sullins or 20 Hatcher. I had two homicides about the same time 21 and, for some reason, I get those two names mixed up. 22 One was Sullins and one was Hatcher. I believe she's 23 the Sullins. 24 Q. Lieutenant Michael Hood? 25 A. He's a police officer with the City of	1 Page 98 2 There was one incident where once a year, Judge Long 3 has a party at his house, he and his wife, Ruth. And 4 you're probably aware that attorneys from the area 5 are invited over, people, citizens, friends of Judge 6 Long's. And I was told that there was one occasion 7 wherever Monica acted inappropriately towards Judge 8 Long at his home, in his house. 9 Q. Who told you that? 10 A. I believe, again, it may have come from my 11 wife, and possibly from Mr. Garrabrant. 12 Q. Brad Eidson? 13 A. Mr. Eidson, I've talked to him about the 14 incident at the Outback bar. I asked for his 15 assistance. He also used to be the employer of 16 Monica Daniel before she came to work for me. He's 17 indicated to me that he also observed a huge change 18 in her behavior in the last year that she worked for 19 me and, I believe, she had made some -- according to 20 him, at least, some very inappropriate comments to 21 him while she worked in my office. 22 Q. Kody Lucas? 23 A. He was a police officer for the City of 24 Edgar Springs, married at the time, now works 25 undercover -- no, actually, I think he's still working with the police, but he's not undercover any

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1	A. Again, Christie and Stephanie.	1	A. From Mildred Williams.
2	Q. And Monica had sex on your --	2	Q. Okay. And what else?
3	A. Monica told them that she had done that --	3	A. That I had threatened them on this phone
4	Q. And who was it with?	4	call if they didn't let me in, I would harm them in
5	A. -- and that she thought it was funny.	5	some way.
6	Q. With who?	6	Q. And who told you that?
7	A. One of the police officers. I don't	7	A. Again, it came to me -- one incident I can
8	remember which one.	8	remember was what I told you about earlier; when my
9	Q. Was there a name that they told you at that	9	wife came to me and said this friend of ours
10	time?	10	approached me in town today and said that he heard
11	A. They may have, but I honestly can't	11	this from his cousin, Debbie James, the assessor.
12	remember now which one it was. There was several.	12	Q. And who was that?
13	Q. And part of my question is, was this filing	13	A. I was having people stop me --
14	of this suit to protect you personally, or was it to	14	Q. And who was that friend?
15	protect the Office of Prosecuting Attorney of Texas	15	A. That friend is Jimmy Sutton.
16	County?	16	Q. Okay. And Jimmy Sutton told you that he
17	A. Well, it was to protect me, but the actions	17	had heard it from Debbie James?
18	that they had taken certainly undermined the office.	18	A. Who is his cousin.
19	But you got to remember, Mr. Steelman, I was up for	19	Q. Did you go talk to Debbie James?
20	reelection in 2006.	20	A. I did.
21	Q. Did you have an opponent?	21	Q. And did she tell you that? Did she confirm
22	A. It turned out I didn't, but I didn't know	22	that?
23	that.	23	A. Yes.
24	Q. I forget, when does filing open?	24	Q. Okay. So Jimmy Sutton told you, and then
25	A. I think it opens in January.	25	she told you she talked directly to Millie Williams?
	Page 122		Page 124
1	Q. And when does it close?	1	A. I asked her where she had heard -- I asked
2	A. I can't remember, March or April, I think.	2	her if she had been saying these things, and she
3	Q. Had the filing deadline closed by the time	3	said, yes, that she had. And, like, "What are you
4	that you filed the petition?	4	going to do about it?" And I said, "Where did you
5	A. If filing closes in March, then it would	5	hear it?" And she said from Mildred Williams.
6	have closed by the time I filed the petition in May,	6	Q. And when did she tell you that?
7	yes.	7	A. It would have been the day I confronted
8	Q. Now, I want to talk about what you call in	8	Millie Williams, because I left her office and went
9	Paragraph 4 malignant, libelous, and slanderous	9	straight to the judge's office to confront her on it.
10	conduct. And the first one is, conspiring with each	10	Q. And when was that date?
11	other to disseminate false information that you made	11	A. I don't know the date.
12	threatening comments during a series of telephone	12	Q. 18th? 19th? 20th?
13	calls made to the home phone of defendant Monica	13	A. It would have been not long before I filed
14	Daniel on or about December 18th, 2005. Do you see	14	my lawsuit, probably within a week or 10 days at the
15	that?	15	most. Maybe within two or three days.
16	A. Yes, sir.	16	Q. So you just found out about those
17	Q. And what false information did either of	17	statements prior to filing your lawsuit?
18	them say that's part of what you're talking about in	18	A. Yes, sir. I had been hearing these kind of
19	Paragraph 4-A?	19	things for some time. I had people stop me at the
20	A. I was told that I had, on this tape,	20	corner grocery store and --
21	threatened to kill Monica Daniel if she cut off our	21	Q. Who? Any time you say "they," please tell
22	affair. I was told that I had --	22	me the person.
23	Q. Who told you that?	23	A. Well, one person was Ms. Daniel's uncle,
24	A. Debbie James.	24	Dewayne Reese.
25	Q. And where had Debbie James heard that?	25	Q. And when did he stop you?

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1 A. He told me that he had been hearing the 2 things that Monica had been saying about me and he 3 didn't believe it. 4 Q. And what were those things? 5 A. Well, that's what he said. "I have been 6 hearing the things that Monica had been saying about 7 you and I want you to know I don't believe it and I 8 support you." 9 Q. Well, did he tell you that Monica ever said 10 you had made threatening phone calls? 11 A. No. 12 Q. Okay. So we've got -- Millie has been the 13 one that I've heard from you who said you made 14 threatening phone calls; right? 15 A. Uh-huh. 16 Q. Did Monica tell anyone you made threatening 17 phone calls? 18 A. Not that they told me directly. That's 19 what I was hearing that Monica and Millie were saying 20 to people. 21 Q. What? What did you hear that they were 22 saying? 23 A. That I had made a threatening phone call. 24 In fact, whenever I first heard that, Mr. Steelman, 25 way back in -- well, it was before I ever got the	1 A. Sir, you brought up the topics earlier. 2 This was all-over topics at the time. That's the 3 kind of things that they were saying about me. 4 Q. Okay, my question is specific. I'm just 5 trying to find out where your information was that 6 they said false information about your threatening 7 phone calls, okay? Now, we've got Debra James; who 8 else? 9 A. Well, Jimmy Sutton heard it from Ms. James. 10 Q. Okay, who else? 11 A. And I went directly to Mildred Williams and 12 she admitted it, but told me since I was a public 13 official, that she could say anything about me that 14 she wanted. 15 Q. What did she admit to you? 16 A. I confronted her. I said, "Have you been 17 saying that I threatened you on that phone call? 18 Have you been saying that I was having an affair with 19 Monica Daniel? Have you been saying that I 20 threatened the two of you and told you that if you 21 didn't let me in, that I was going to hurt you?" 22 Q. And was Brad Ellsworth present when you 23 said this? 24 A. He was. And her response was, "You are a 25 public official. I can say anything about you I want
Page 126	Page 128
1 tape, which would have been, I think, the last week 2 in December, I went to Mildred Williams and 3 apologized. 4 I told her how sorry I was and I couldn't 5 believe that I would say those kind of things because 6 that's not the kind of person I am. I had never done 7 anything like that before. Mildred Williams cried, 8 told me that she had been in abusive relationships 9 before and it scared her to hear these kind of things 10 and that -- 11 Q. What kind of things? 12 A. That I had threatened to kill them if they 13 didn't have sex with me. 14 Q. Okay. So Mildred Williams told somebody 15 that you threatened to kill them if you didn't have 16 sex? 17 A. Yes. 18 Q. And that was Debbie James? 19 A. That was Debbie James. At least one person 20 I was able to nail down that would admit that's where 21 she heard it. 22 Q. Okay. Anybody else that you have nailed 23 down that they heard from either Millie or Monica 24 saying that statement, that you threatened to kill 25 someone?	1 and there's nothing you can do about it." 2 Q. And this was in front of Brad Ellsworth? 3 A. This was in front of Judge Ellsworth. 4 Q. Okay. 5 A. I told her that if she did not stop, I 6 would sue her for libel and slander. 7 Q. And what did she say? 8 A. She just laughed and said, "You're a public 9 official. There's nothing you can do about it." 10 Q. Anything else on these threatening phone 11 calls? What about Monica? 12 A. Again, there were several postings going on 13 on different websites that I suspect were coming from 14 Monica, or close friends, associates of hers. 15 Q. Anything other than suspicion? 16 A. I heard that Monica had taken the tape to a 17 party with some police officers. 18 Q. Who did you hear that from? 19 A. I believe it was Christie. And played it 20 for them like a party joke and told those people that 21 I had threatened her, that, you know, she had me 22 where she wanted me. 23 Q. And who did she say that to? Who was 24 present? 25 A. I don't know all those people. I was given

<p style="text-align: right;">Page 129</p> <p>1 the name of the family. I can't remember it right 2 now, but I'm sure that the girls in my office would 3 remember. It was a big joke. Everybody was laughing 4 about it, having a big laugh at my expense.</p> <p>5 Q. Okay. And I'm asking specific about 6 threatening comments. So Monica played the tape at 7 this -- and said then that there were things in 8 addition to the tape; is that what she was supposed 9 to have said?</p> <p>10 A. Well, they were telling me that these 11 threatening comments were on the tape.</p> <p>12 Q. Okay. Let's go to B. Conspiring with each 13 other to disseminate false information that you made 14 comments of a sexual nature. Who are you talking 15 about? What false statements were made and to whom 16 regarding the comments of a sexual nature during the 17 phone calls on or about December 18th, 2005?</p> <p>18 A. You're looking at Subparagraph...?</p> <p>19 Q. B.</p> <p>20 A. B?</p> <p>21 Q. 4-B, yes.</p> <p>22 A. Well, that's what we were just talking 23 about. They claim that there were comments of a 24 sexual nature on that tape.</p> <p>25 Q. To whom?</p>	<p style="text-align: right;">Page 131</p> <p>1 back on Monday, following the seminar, the talk 2 around the courthouse was that Monica and I had had 3 some blowup at the lake and I had acted 4 inappropriately towards her. And I knew that was 5 untrue, but these are the same rumors that were being 6 told. When I got back Monday from the prosecutor's 7 meeting on Friday, this was already all over.</p> <p>8 Q. By "all over," who told you?</p> <p>9 A. I don't remember where I heard it the first 10 time. I think it might have come from Nina Creek.</p> <p>11 Q. And who told her?</p> <p>12 A. I'm guessing her daughter-in-law, Stephanie 13 Creek. Monica.</p> <p>14 Q. Did they tell you Monica had said it?</p> <p>15 A. Yes.</p> <p>16 Q. Did they tell you Millie had said it?</p> <p>17 A. I don't recall. But everybody at the 18 courthouse, where Ms. Williams works, this was the 19 topic of conversation.</p> <p>20 Q. So the reason you said that Millie and 21 Monica conspired on that was because Millie works in 22 the courthouse and it was the talk of the courthouse?</p> <p>23 A. And Millie and Monica were very tight.</p> <p>24 Q. And that's why you made that allegation?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 130</p> <p>1 A. I was told it by Debbie James, who told it 2 to her cousin, who told it to my wife, and it was 3 confirmed by Mildred Williams whenever I confronted 4 her.</p> <p>5 Q. And what were those comments supposed to be 6 of a sexual nature?</p> <p>7 A. That I was demanding sex from them, that I 8 was making lewd comments. In effect, that I had 9 committed the crime of telephone harassment.</p> <p>10 Q. Now, on C -- did you have any other 11 individuals on that one? I want to make sure I got 12 everybody. We've got Debra James, Sutton, anybody 13 else?</p> <p>14 A. Mildred Williams.</p> <p>15 Q. Mildred Williams. Anybody else?</p> <p>16 A. She didn't deny it.</p> <p>17 Q. Anybody else?</p> <p>18 A. I believe the girls in my office were all 19 aware of it. They had been told the same things.</p> <p>20 Q. Now, what is C: Conspiring with each other 21 to disseminate false information that you engaged in 22 inappropriate behavior during a prosecutor's training 23 seminar in September of 2005. What is that about? 24 Who made the statement? Who'd they make it to?</p> <p>25 A. The prosecutor training seminar, when I got</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. D says: They used the public offices held 2 by Defendant Daniel and Defendant Williams to remove 3 and conspiring to cover up the removal of criminal 4 investigative documents from the Texas County 5 Prosecutor's Office. What is that?</p> <p>6 A. Well, there's one instance in particular 7 where Ms. Daniel's paramour, Danny McNew, who was the 8 chief of police in Licking, had been involved in a 9 fatal car accident. He was chasing a man who was 10 driving while revoked. The man crashed his car and 11 was killed. There were two other occupants in the 12 car and they both had serious injuries and were life 13 flighted.</p> <p>14 I had no idea at the time that Monica 15 Daniel was carrying on an affair with Danny McNew, 16 none, didn't have a clue. When the highway patrol 17 brought the initial report to me, which is basically 18 a three-page accident report, they told me that there 19 was going to be an investigation and a 20 reconstruction.</p> <p>21 I did what I always did in that situation; 22 I gave the initial report to Monica, told her 23 whenever the follow-up investigation got in, to bring 24 it to me and I would look at it. It was not until 25 after Ms. Daniel left my office that I learned not</p>

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1 only did I never get the follow-up report, but the
 2 initial report was missing from my office.

3 Had I known that Ms. Daniel was having an
 4 affair with the object of the investigation, if you
 5 will, I certainly would have never allowed her to
 6 handle the file, and probably would have called in a
 7 special prosecutor from the beginning.

8 I didn't learn until after I got the report
 9 that there were some rumors or allegations that Chief
 10 McNew may have rammed this car immediately before it
 11 lost control and crashed.

12 Q. And what action did you take then?

13 A. As soon as I got the information -- well,
 14 as soon as I found out the report was missing, I
 15 called in the highway patrol officer that had done
 16 the report, asked him where was the report and why
 17 had I never gotten one. He said not only had he sent
 18 me one, but he sent one to the trooper in Jefferson
 19 City. I told him I needed it. He went and got it.

20 Q. What's the name of this case?

21 A. Again, sir, I have so many cases. I want
 22 to say, again, this man's name was Sullins. I
 23 believe that's his last name, but I've got the file.

24 Q. And you have that file; correct?

25 A. Yes, sir.

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1 Q. Okay. And what was the patrolman?

2 A. The patrolman that brought the report in
 3 was Trooper Terry Nelson.

4 Q. And what did Ms. Williams have to do with
 5 this report?

6 A. Well, in regards to Ms. Williams, I learned
 7 that she had been -- or I believe that she had been
 8 helping Ms. Daniel move subpoenas around for
 9 different officers.

10 Q. Who told you that?

11 A. I think it was obvious by the fact that Ms.
 12 Daniel could not have done it on her own without some
 13 record appearing in the court records.

14 Q. Did you report this to Judge Ellsworth at
 15 any time?

16 A. Whenever I filed this.

17 Q. When you filed the lawsuit?

18 A. Yes, sir.

19 Q. Now, if someone is removing criminal
 20 investigative documents, that would be a crime;
 21 correct?

22 A. I believe so.

23 Q. Did you open a criminal investigation file
 24 on that?

25 A. Yes.

1 Q. And so if we request, there's a criminal
 2 investigation regarding Monica Daniel and the removal
 3 of these documents; is that right?

4 A. Yes, sir.

5 Q. Okay. And did you call the Missouri
 6 Attorney General's Office on that?

7 A. Yes, sir.

8 Q. And who did you talk to?

9 A. I sent a letter to Ted Bruce, laid it all
 10 out for him, sent him the file, asked him to
 11 investigate it. Several weeks later, maybe one month
 12 or two months later, I got a call from his
 13 supervisor, Andrea Spillers, saying that, number one,
 14 whereas she believed that what had happened, it
 15 probably happened, that the report had been removed,
 16 there was no proof of it; that, by that time, any
 17 evidence of a crime regarding Mr. McNew had been
 18 destroyed because the car that was wrecked had been
 19 returned to the owners, and the City of Licking had
 20 sold the patrol car involved and they were not going
 21 to do any more to look into this.

22 Q. This is a phone call from Andrea Spillers;
 23 correct?

24 A. This is a phone call from Andrea Spillers.
 25 I also asked that the attorney general come down and

do a sweep of all the computers in my office.

1 Q. Did they do that?

2 A. Yes.

3 Q. And is there a written report on that?

4 A. There's a report indicating that they
 5 didn't find anything under the searches that I gave
 6 them. And some of the search terms I gave them was
 7 removal of files, the name of the victim in this
 8 case, closing the office, meet me after work, all
 9 these things.

10 Q. How about sex, was that word in the search?

11 A. I've got a list and I don't think it is.

12 Q. Okay. And you have files and lists of all
 13 these, because they're not listed by your attorney in
 14 your disclosures?

15 A. I have the file that was brought to me by
 16 the highway patrol, including photos. I have the
 17 letter that I sent to Ted Bruce. And I have the
 18 report from the forensics investigator, saying that
 19 nothing under the search terms that I requested were
 20 found on my computer.

21 Q. And what was the date of your letter to Ted
 22 Bruce?

23 A. I don't recall, sir. I have got it.

24 Q. After she left the office?

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1 **A. Yes. I'm not clear on it. I can't**
 2 **remember, but it is dated. And before I filed my**
 3 **lawsuit.**

4 **Q. And did you report Millie Williams as**
 5 **having part of this to Ted Bruce?**

6 **A. No, I didn't think that she was part of**
 7 **that, that coverup.**

8 **Q. You said she is in your petition.**

9 **A. Well, I say that she was --**

10 **MR. HARRIS: I object, that misstates**
 11 **the petition.**

12 **BY MR. STEELMAN:**

13 **A. Removal of criminal investigative documents**
 14 **from the Texas County Office to the detriment of**
 15 **Office of Texas County Prosecutor and people of Texas**
 16 **County. Ms. Williams' involvement, I believe, was**
 17 **more the in the way of helping to withdraw subpoenas**
 18 **and that type of thing.**

19 **Q. Is that what you're talking about in E, 4-**
 20 **E?**

21 **A. Yes.**

22 **Q. Now, on 4-F, you talked a lot about this**
 23 **swinger style sex ring, but you also talk about not**
 24 **just the Texas County Prosecutor's Office, but the**
 25 **Texas County Associate Court Office. And what**

1 **A. Well, sir --**

2 **MR. HARRIS: I want to object. Are**
 3 **you talking in the hypothetical sense, or are you**
 4 **talking in the specifics --**

5 **MR. STEELMAN: I'm talking in the**
 6 **hypothetical sense.**

7 **MR. HARRIS: I think that calls for**
 8 **speculation.**

9 **MR. FRANKLIN: Join that objection.**

10 **THE WITNESS: Do you want me to**
 11 **answer?**

12 **MR. HARRIS: Go ahead.**

13 **BY MR. STEELMAN:**

14 **A. Whenever I filed this lawsuit, I felt that**
 15 **I could salvage my reputation by bringing this to**
 16 **court, the things that had been done, the things that**
 17 **had been said to me. And that if a court of law**
 18 **heard this, saw these facts, saw what these people**
 19 **were up to at the time, that in some ways my**
 20 **reputation could be returned to me. That's why I**
 21 **filed it in court. I felt and still feel that that's**
 22 **where it should be heard.**

23 **Q. Well, that gets us to the dismissal. You**
 24 **dismissed it; right?**

25 **A. Yes, sir.**

1 **Page 138**
 2 evidence do you have that it was run out of the Texas
 3 County Associate Court Office?

4 **A. Ms. Williams' involvement.**

5 **Q. Well, is that just what you testified to**
 6 earlier, which was basically the Stephanie Creek
 7 matter?

8 **A. Well, that, and the fact that Monica didn't**
 9 **do much without Millie there at the time.**

10 **Q. Now, again, you didn't report -- other than**
 11 **the letter to Ted Bruce, you didn't report any of**
 12 **this to Judge Ellsworth or any person prior to filing**
 13 **the lawsuit; is that right?**

14 **A. I didn't think it would be appropriate to**
 15 **report it to Judge Ellsworth. He may be hearing this**
 16 **case. But to answer your question, no, I didn't.**

17 **Q. Now, you talked about the damage to your**
 18 **reputation; correct?**

19 **A. Yes.**

20 **Q. As to why you filed the lawsuit; correct?**

21 **A. That and to get them to stop saying the**
 22 **things they were saying.**

23 **Q. Do you believe damage to reputation is**
 24 **permanent?**

25 **A. I think it can be rectified.**

25 **Q. And what can rectify it?**

1 **Page 140**
 2 **Q. How much later after you filed it did you**
 3 **dismiss it?**

4 **A. I don't know the date. It was dismissed on**
 5 **the advice of my attorney, Cynthia MacPherson.**

6 **Q. When did you hire her for the case?**

7 **A. Shortly after I filed the suit, I went and**
 8 **consulted with her.**

9 **Q. Okay. Why did you dismiss the case?**

10 **MR. FRANKLIN: Objection,**
 11 **attorney/client privilege. To the extent you can**
 12 **answer without --**

13 **MR. HARRIS: I agree.**

14 **MR. FRANKLIN: -- destroying the**
 15 **privilege, you may answer the question.**

16 **BY MR. STEELMAN:**

17 **Q. You don't have to say what Cynthia said. I**
 18 **wouldn't ask you what she said.**

19 **A. We had communications with Ms. Daniel's**
 20 **attorney that they would stop. They would stop**
 21 **making these statements to the press. They would**
 22 **stop saying these things that --**

23 **Q. Is this in a letter from anybody?**

24 **A. It's in a letter from Ms. MacPherson to --**
 25 **is it --**

25 **Q. Ted Kinde?**

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1 I agree with counsel that you've answered it in three
 2 different ways. I want it on the record that he --
 3 MR. FRANKLIN: I want it on the record
 4 that we agree on something.

5 MR. STEELMAN: -- and I agree
 6 completely on that.

7 BY MR. STEELMAN:

8 A. My recollection of what happened is what I
 9 just told you. I was contacted by Brad Gentry. I
 10 was told he was going to publish a story, that he had
 11 received a copy of the petition. I tried to talk him
 12 out of it. I asked him why this was newsworthy or
 13 why it needed to be in the paper.

14 He said that it was, wanted to know if I
 15 had anything I wanted to put in the article. I may
 16 have written something out and sent it to him, or I
 17 may have given him some quotes. I know whenever he
 18 later e-mailed me what was going to be in the paper,
 19 there was some quotes from me in it and that's what
 20 ran in the paper.

21 Q. Very specific question. Did you or did you
 22 not issue a press release out of the prosecuting
 23 attorney's office on the filing of your petition
 24 against Monica and Millie?

25 A. I don't recall.

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1 Q. Okay.

2 (PLAINTIFF'S EXHIBIT NO. 5 WAS MARKED
 3 FOR IDENTIFICATION.)

4 Q. Let me show you what's been marked as
 5 Exhibit 5 and would you tell me whether or not that
 6 is your signature at the bottom?

7 A. Yes, sir.

8 Q. Okay. So that is your signature?

9 A. Yes, sir.

10 Q. Now that you have Exhibit 5 in front of
 11 you, can you tell me if you recall whether or not you
 12 issued a press release out of the office of the
 13 prosecuting attorney regarding the filing of the
 14 lawsuit?

15 MR. HARRIS: I'm going to object to
 16 the form that -- or to the question to the extent you
 17 say it was out of the office of the prosecuting
 18 attorney. I think --

19 MR. STEELMAN: Well, that's a good
 20 question.

21 MR. FRANKLIN: I'm going to object and
 22 say that the document speaks for itself. It
 23 indicates that's the contact person.

24 MR. STEELMAN: Yeah, we will agree on
 25 that, too, that the document speaks for itself and it

1 was from Michael R. Anderson, Texas County
 2 Prosecutor. Can we all stipulate to that?

3 MR. HARRIS: That's what it says.
 4 BY MR. STEELMAN:

5 Q. Now, can you tell me, do you recall issuing
 6 this press release?

7 A. I sent this to Brad Gentry after he
 8 contacted me and asked for comments. It's titled
 9 "Press Release" at the top. I don't recall if I sent
 10 it to any other agencies. Normally when I send out a
 11 press release, I have a whole list of news agencies
 12 it goes to. We fax them out.

13 I don't think this was sent anywhere but to
 14 Brad Gentry, and it was in response to his questions
 15 about whether I had anything I wanted to say. And it
 16 is titled "Press Release" because that's the form I
 17 have on my computer. Whenever I communicate with the
 18 media, I use the press release form.

19 Q. So you typed this yourself?

20 A. I believe so. Well, yes, sir, I typed it
 21 myself.

22 Q. Now, at the bottom of this you say that I
 23 want to assure the people of Texas County that this
 24 action was taken after careful consideration and in
 25 the earnest hope that bringing the truth to light is

always better than rumor and innuendo; correct?

A. Yes, sir.

Q. And is that the reason you filed the
 lawsuit?

A. One of the reasons. And as I said before,
 to get them to stop spreading the rumors.

Q. So is this accurate, that the reasons that
 you've given for filing the lawsuit are, one, for
 damages; right?

A. Yes, sir.

Q. Collect money damages from Millie and
 Monica; correct?

A. Yes.

Q. I believe your terms were a substantial
 sum; is that correct?

A. Yes.

Q. Two was to stop them from making
 statements?

A. Yes.

Q. Okay. And, three, was to bring it all out
 into the light; correct?

A. Yes, sir.

Q. So you did file this lawsuit to publicize
 it; is that correct?

A. I filed it with the court and I expected by